

Ms. Cox and/or Mr. McNitzky will testify, if necessary, as to Plaintiff's and/or Defendant's reasonable and necessary attorneys' fees. Specifically, Ms. Cox and/or Mr. McNitzky will testify in rebuttal to any testimony or evidence Plaintiff may offer on the subject of Plaintiff's attorney's fees, to which Defendant affirmatively states Plaintiff is not entitled under the applicable law. Additionally, in the event Defendant is awarded any attorney's fees, costs, or expenses in this matter, Ms. Cox and/or Mr. McNitzky will testify concerning, among other things, the hourly rates of the professionals working on this case; the hours expended by each such professional; the fees,

expenses, and costs that were or will be incurred by Defendant; and the customary and usual nature, reasonableness, and necessity of the fees, costs, and expenses that were or will be incurred by Defendant in this matter, including, if applicable, the appeal of the captioned case. Ms. Cox's credentials are referenced at [www.ogletreedeakins.com/attorneys/tiffany-l-cox](http://www.ogletreedeakins.com/attorneys/tiffany-l-cox). Mr. McNitzky's credentials are referenced at [www.ogletreedeakins.com/attorneys/mark-a-mcnitzky](http://www.ogletreedeakins.com/attorneys/mark-a-mcnitzky).

Defendant reserves the right to use testimony and/or records or reports of any expert witness who has been designated or identified as an expert witness by any party in this lawsuit. Defendant also reserves the right to supplement this designation if necessary once Plaintiff has proved his entitlement to fees and produced a description of the amount of and reason for the fees he asserts he incurred. Additionally, Defendant reserves the right to call additional expert witnesses as rebuttal witnesses.

Defendant reserves the right to supplement or amend these designations as may be necessary as the discovery period continues.

Respectfully submitted,

/s/ Tiffany L. Cox  
Tiffany L. Cox  
Texas Bar No. 24050734  
[tiffany.cox@ogletree.com](mailto:tiffany.cox@ogletree.com)  
Mark A. McNitzky  
Texas Bar No. 24065730  
[mark.mcnitzky@ogletree.com](mailto:mark.mcnitzky@ogletree.com)  
OGLETREE, DEAKINS, NASH, SMOAK &  
STEWART, P.C.  
2700 Weston Centre  
112 East Pecan Street  
San Antonio, Texas 78205  
210.354.1300  
210.277.2702 (fax)

ATTORNEYS FOR DEFENDANT  
VHS SAN ANTONIO PARTNERS, LLC,  
d/b/a NORTH CENTRAL BAPTIST HOSPITAL

**CERTIFICATE OF SERVICE**

I hereby certify that on December 28, 2018, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system, which will send notification of such filing to the following:

Glen D. Mangum  
924 Camaron  
San Antonio, Texas 78212-5111

Angella H. Myers  
Sharon S. Gilmore  
THE MYERS LAW GROUP, LLP  
8144 Walnut Hill Lane, Suite 390  
Dallas, Texas 75231

/s/ Tiffany L. Cox  
Tiffany L. Cox

36675609.1  
007845.000112